

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 THOMAS L. WILLIAMS,

Case No. 3:23-cv-00511-ART-CSD

4 Plaintiff

ORDER

5 v.

6 STATE OF NEVADA, et al,

7 Defendants

8
9
10 I. DISCUSSION

11 On October 19, 2023, Plaintiff, who is a pretrial detainee at the Washoe County
 12 Detention Facility, submitted a civil rights complaint under 42 U.S.C. § 1983.¹ (ECF No.
 13 1-1). Plaintiff did not pay the \$402 filing fee for a civil rights action or file an application
 14 to proceed *in forma pauperis*. (See ECF No. 1). On October 27, 2023, Plaintiff filed a
 15 notice explaining that he filed a class action petition for writ of habeas corpus on behalf
 16 of himself and 10 other pretrial detainees on two separate § 1983 forms and another
 17 document. (ECF No. 3). Plaintiff does not understand why his case was split up into
 18 three different case numbers. (*Id.* at 2).

19 It is unclear to the Court what type of case Plaintiff intends to bring. If Plaintiff
 20 seeks to file a petition for writ of habeas corpus under 28 U.S.C. § 2241, then he must

21
 22 ¹ Although Plaintiff's complaint is labeled a "class action" and Plaintiff references
 23 "all Plaintiffs" in the case, Plaintiff does not identify any other plaintiffs in the complaint.
 24 Plaintiff should take note that *pro se* litigants have no authority to represent anyone other
 25 than themselves. See, e.g., *Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664–65 (9th Cir.
 26 2008) (collecting cases and explaining that a non-attorney plaintiff cannot pursue claims
 27 on behalf of others in a representative capacity); *Cato v. United States*, 70 F.3d 1103,
 28 1105 n.1 (9th Cir. 1995); *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th
 Cir. 1987). This means *pro se* litigants cannot seek to certify a case as a class action
 themselves; they must be represented by counsel. See *Simon*, 546 F.3d at 665 (citing
Oxendine v. Williams, 509 F.2d 1405, 1407 (4th Cir. 1975) (holding *pro se* prisoner may
 not bring a class action on behalf of fellow prisoners)). But there is no right to appointed
 counsel in civil-rights actions. And "the court will appoint counsel for indigent civil litigants
 only in 'exceptional circumstances.'" *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009).

1 submit his petition on the correct form. If Plaintiff seeks to initiate a 42 U.S.C. § 1983
2 complaint, then he must submit his complaint on the correct form. If Plaintiff believes that
3 the Clerk of the Court erroneously docketed his filings in three separate actions, he must
4 voluntarily dismiss the cases that he thinks were erroneously opened and file the
5 appropriate documents in the case number that he wants to pursue his claims.

6 By November 30, 2023, Plaintiff will file one of the following: (1) a notice voluntarily
7 dismissing this action to pursue his claims in a different case, (2) a notice stating he
8 wishes to proceed on the 42 U.S.C. § 1983 complaint docketed in this case, or (3) a notice
9 withdrawing the § 1983 complaint and filing a petition for writ of habeas corpus under 28
10 U.S.C. § 2241 in this case.

11 Additionally, if Plaintiff seeks to continue litigation under this case number, he will
12 need to pay the appropriate filing fee for this action or submit a fully complete application
13 to proceed *in forma pauperis*. The filing fee for a civil rights action is \$402 and \$5 for a
14 habeas action. “Any person who is unable to prepay the fees in a civil case may apply to
15 the court for leave to proceed *in forma pauperis*.” LSR 1-1. For an inmate to apply for *in*
16 *forma pauperis* status, the inmate must submit **all three** of the following documents to the
17 Court: (1) a completed **Application to Proceed *in Forma Pauperis* for Inmate**, which is
18 pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on
19 page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved
20 form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy
21 of the **inmate’s prison or jail trust fund account statement for the previous six-**
22 **month period**. See 28 U.S.C. § 1915(a)(1)–(2); LSR 1-2.

23 **II. CONCLUSION**

24 It is therefore ordered that, **on or before November 30, 2023**, Plaintiff will file one
25 of the following: (1) a notice voluntarily dismissing this action, (2) a notice stating he
26 wishes to proceed on the § 1983 complaint docketed in this case, or (3) a notice
27 withdrawing the § 1983 complaint and filing a petition for writ of habeas corpus under 28
28 U.S.C. § 2241 in this case.

It is further ordered that, **on or before November 30, 2023**, Plaintiff will either pay the full filing fee for either a civil rights action (\$402) or habeas action (\$5), or file a fully complete application to proceed *in forma pauperis* with all three required documents: a completed application with the inmate's two signatures on page 3, a completed financial certificate that is signed both by the inmate and the prison or jail official, and a copy of the inmate's trust fund account statement for the previous six-month period.

It is further ordered that the Clerk of the Court will send to Plaintiff a copy of his complaint (ECF No. 1-1) and the approved forms and instructions for filing a § 1983 complaint, a petition for writ of habeas corpus under § 2241, and an application to proceed *in forma pauperis* for inmates.

Plaintiff is cautioned that this action will be subject to dismissal without prejudice if he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when he can file a signed complaint or petition and either pay the required filing fee or apply for *in forma pauperis* status.

DATED: October 31, 2023.

CSQ
UNITED STATES MAGISTRATE JUDGE